

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

1032 WRIT PETITION NO.6924 OF 2021

Sukdeo S/o. Sampat Thakur
Age : 64 years, Occu : Pensioner,
R/o. 74, Laxminarayan Nagar,
ITI Colony, Bhusawal,
Tal. Bhusawal, Dist. Jalgaon

.. Petitioner

Versus

1. The State of Maharashtra
Department of Tribal Development,
Mantralaya, Mumbai
through its Secretary.

2. The Scheduled Tribe Certificate
Scrutiny Committee, Nandurbar Division,
Nandurbar, Tal. & Dist. Nandurbar
Through its Member Secretary.

..Respondents

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Advocate for Petitioner : Mr Sushant C. Yeramwar
Addl. GP for Respondents / State : Mr P.S. Patil

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**CORAM : S. V. GANGAPURWALA &
R.N. LADDHA, JJ.**

DATE : 30-07-2021

ORAL JUDGMENT (Per : S. V. GANGAPURWALA, J.) :-

1. Rule. Rule made returnable forthwith. With the consent
of the parties, the matter is taken up for hearing.

2. The validation proceedings in respect of the tribe claim of

the petitioner is rejected basically on the ground that the caste certificate is not obtained from an authority possessing jurisdiction. The tribe certificate is obtained from Sub Divisional Officer, Jalgaon. The Committee came to the conclusion that, the forefathers of the petitioner were resident of Jalna District.

3. Mr Yeramwar, learned Counsel submits that, the petitioner's father migrated in the year 1941 to Jalgaon District and he was in service with the Collector Office at Jalgaon. The service book also shows the entries of the year 1949. On the notified date, the father of the petitioner was in service in Jalgaon District, the same requires to be considered.

4. Mr Patil, learned AGP submits that, no document was produced before the Committee demonstrating that the father of the petitioner was in service in Jalgaon District. The first page of the service book was produced, which shows the year 1957. According to the learned AGP, in view of the Judgment of the Full Bench of this Court in the case of **Rajendra s/o. Shivram Thakur Vs. The State of Maharashtra & Others (Writ Petition No.4918 of 2012 dated 05-07-2019)**, if the certificate is issued by an authority not possessing

the territorial jurisdiction, the same would be void.

5. We have considered the submissions. It appears that, the service book, which the petitioner has sought to place on record in the present writ petition, was not filed before the Committee.

6. It is trite that, a caste certificate issued by an authority not possessing territorial jurisdiction would not be valid. The forefathers of the petitioner appear to be initially resident of Jalna District as per the documents. However, the case of the petitioner is that before the notified date and in the year 1949, the father of the petitioner was in service with the office of Collector in Jalgaon District. In that case, the caste certificate issued by the SDO, Jalgaon would be valid. However, as the document was not placed by the petitioner to substantiate his case, the Committee had observed that the caste certificate is not obtained by an authority possessing jurisdiction.

7. In light of the additional document placed on record, we are inclined to grant one more opportunity to the petitioner.

8. The impugned order is quashed and set aside.

9. The matter is relegated to the Respondent / Committee.

The petitioner shall appear before the Committee on 11-08-2021 and place on record the additional documents. The Committee shall consider the additional documents and if the Committee is convinced that as on the notified date the father of the petitioner was serving in Jalgaon District, then may decide the matter on merit.

10. Rule accordingly made absolute in above terms. No costs.

[R.N. LADDHA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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